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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/916,004

Applicant(s)

GERGELY ET AL.

Examiner

Chi Q Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 11-14, 16-18, 22, 23 and 27-31 is/are rejected.
- 7) ☒ Claim(s) 4, 8-10, 15, 19-21 and 24-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *exhibit*.

### DETAILED ACTION

This Office action is in response to the applicant's paper number 9 filed on 5/4/04.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5, 7, 11-14, 16, and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Colfer (US 5,586,115) in view of Herbst (US 5,437,526).

Colfer teaches integrated wall system for securing parts of a building to each other and to a foundation comprising one or more anchoring devices 33, each anchoring device 33 having a first portion F, and a second portion S (see attached figure 1); the first portion of each anchoring device fixedly attached to a structural member 10 (shear wall), and the second portion of each anchoring device is fixedly attached to the foundation 29 and the first and the second portions of the anchoring devices are mechanically secured to the structural member and the foundation, respectively. The anchoring device 33 is rigid because it made from metal material and an angle plate configuration (col. 4, line 44), and the first portion F is perpendicular to the second portion S. Colfer teaches integrated wall system having reinforced wall 10 with a plurality of horizontal and vertical reinforcing rods 17 (see figs. 1-2). Colfer does not teach specifically each anchoring device comprises a fiber composite material. Herbst teaches arrangement for anchoring a rod-shaped tension member of composite

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fiber material having an anchor device 5 is composed of a composite fiber material (col. 4, lines 59-60). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Colfer with Herbst for the anchoring device is made out of composite fiber material. The motivation for doing so would have been to lower weight for the wall structure and the greater resistance to corrosion for the anchoring devices.

Claims 6, 7, 17, 18 and 23, 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colfer (US 5,685,115) in view of Herbst (US 5,437,526) and further in view of Leek (US 6,018,917).

Colfer teaches integrated wall system for securing parts of a building to each other and to a foundation comprising one or more anchoring devices 33, each anchoring device 33 having a first portion F, and a second portion S (see attached figure 1); the first portion of each anchoring device fixedly attached to a structural member 10 (shear wall), and the second portion of each anchoring device is fixedly attached to the foundation 29 and the first and the second portions of the anchoring devices are mechanically secured to the structural member and the foundation, respectively. The anchoring device 33 is rigid because it made from metal material and an angle plate (col. 4, line 44), and the first portion F is perpendicular to the second portion S. Colfer teaches integrated wall system having reinforced wall 10 with a plurality of horizontal and vertical reinforcing rods 17 (see figs. 1-2). Colfer does not teach specifically each anchoring device comprises a fiber composite material. Herbst teaches arrangement for anchoring a rod-shaped tension member of composite fiber

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material having an anchor device 5 is composed of a composite fiber material (col. 4, lines 59-60). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Colfer with Herbst for the anchoring device is made out of composite fiber material. The motivation for doing so would have been to lower weight for the wall structure and the greater resistance to corrosion for the anchoring devices.

In regarding to claims 6, 7, 17, and 18, Colfer and Herbst teach the structural elements for the anchoring device as discussed above. However, Colfer and Herbst do not teach expressly the anchoring device is fixedly attached to the base and the structural member using a bonding mechanism. Leek teaches inserted holdown for shear walls having anchoring device 2 is fixedly attached by using bonding mechanism such as epoxy poured into (col. 3, lines 48-49). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Colfer, Herbst with Leek's using epoxy for bonding mechanism for the anchoring device. The motivation for doing would have been to provide an additional strength and securement to the wall structure.

With regard to method claims 23, and 27-31, Colfer, Herbst, and Leek teach the structural elements for the wall anchoring device as stated except a method of construction for anchoring to a building structural member, examiner consider this to be the obvious method of setting up device because in bracing a wall, one must obviously position sidewalls and reinforced sidewalls in respect to a foundation, place anchoring devices along the wall, reinforce the wall by reinforcing rods, secure the wall anchoring devices by mechanical fasteners and bonding mechanism.

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***Response to Arguments***

Applicant's arguments with respect to claims 1-3, 5-7, 11-14, 16-18, 22, 23, and 27-31 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 4, 8-10, 15, 19-21, and 24-26 were previously objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


***Conclusion***

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113.

  
CQN  
7/9/04

  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

